IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1057 OF 2003

IN

CRIMINAL REVISION APPLICATION NO. 235 OF 2002

State of Maharashtra ... Applicant

versus

Madhukar Ganpat Hapse & ors. ... Respondents

...

Mr. V.B. Konde Deshmukh, A.P.P., for the Applicant.

Mr. V.C. Gupte, for Respondent No.1.

...

CORAM : A.M.KHANWILKAR,J.

11th February 2005

P.C.:

. Affidavit of service as filed accepts the position that Respondent No.2 is not served. It is intriguing that the Office has not adverted to this aspect in the noting as made on 10th February 2005. Merely saying that affidavit of service is filed is not the way of processing the

matter. When the matter is placed before the Court, the Office should clearly record the fact, whether the affidavit of service as filed indicates that the concerned Respondents have been duly served or otherwise. If they are not served, then the Applicant, or, the Petitioner, as the case may be, will be obliged to take steps to serve the unserved Respondents. The Noting as prepared by the Office is misleading. The concerned Registrar to issue instructions to all concerned that, in future, the Noting should clearly record about the service position of the respective Respondents.

. Mr. Gupte waives notice for Respondents Nos.1 and 3. He says that the vakalatnama filed for Respondent No.1 will operate also for Respondent No. 3. That statement is accepted. Place this matter in the week commencing from 28th February 2005, before which date the Applicant shall take steps to serve Respondent No. 2 and file affidavit of service, failing which the application to stand dismissed for non-service without further reference to the Court.